



# COMMUNITY DEVELOPMENT SERVICES

## ENVIRONMENTAL MANAGEMENT DEPARTMENT

<http://www.edcgov.us/EMD/>

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**PLACERVILLE OFFICE:**

2850 Fairlane Court  
Placerville, CA 95667  
(530) 621-5300  
(530) 642-1531 Fax

**LAKE TAHOE OFFICE:**

924 B Emerald Bay Rd.  
South Lake Tahoe, CA 96150  
(530) 573-3450  
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June 29, 2018

Alder Inn  
1072 Ski Run Blvd.  
South Lake Tahoe, CA 96150  
Attn: Michael & Laura Wharry

**RE: ALDER INN (PWS NO. 0900551)**  
**CITATION NO. 01\_39\_18C\_007\_0900551\_22**

Enclosed is the County of El Dorado, Environmental Management Local Primacy Agency Citation No. 01\_39\_18C\_007\_0900551\_22 issued to the Alder Inn Water System for **VIOLATION OF MAXIMUM CONTAMINANT LEVELS FOR TOTAL COLIFORM BACTERIA**. Please note there are certain deadlines associated with this Compliance Order.

Any person who is aggrieved by a compliance order issued by the El Dorado County LPA may file a petition with the State Water Resources Control Board (State Water Board) for reconsideration of the compliance order. Petitions must be received by the State Water Board within 30 calendar days of the issuance of the compliance order. The date of issuance is the date when the El Dorado County LPA mails or serves a copy of the compliance order, whichever occurs first. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day. Petitions must be received by 5:00 p.m. Information regarding filing petitions may be found at:

[http://www.waterboards.ca.gov/drinking\\_water/programs/petitions/index.shtml](http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml)

If you have any questions, please contact Jeffrey Warren at (530) 621-7628 or by email [jeffrey.warren@edcgov.us](mailto:jeffrey.warren@edcgov.us), or Karen Bender at (530) 573-3453 or by email [karen.bender@edcgov.us](mailto:karen.bender@edcgov.us).

Sincerely,

Jeffrey Warren, REHS  
Environmental Management Program Manager

Cc: Ali Rezvani, PE

Issued: June 29, 2018

**EL DORADO COUNTY  
COMMUNITY DEVELOPMENT SERVICES  
ENVIRONMENTAL MANAGEMENT DEPARTMENT**

**IN RE:** Alder Inn  
Water System No. - 0900551

**ATTN:** Michael & Laura Wharry  
1072 Ski Run Blvd.  
South Lake Tahoe, CA 96150

**CITATION NO. 01\_39\_18C\_007\_0900551\_22**

**VIOLATION OF MAXIMUM CONTAMINANT LEVELS  
FOR TOTAL COLIFORM BACTERIA**

**TITLE 22, CALIFORNIA CODE OF REGULATIONS, SECTION i.e. 64426.1(b)(2)**

**ISSUED ON June 29, 2018**

Section 116650 of the California Health and Safety Code (hereinafter "CHSC")  
authorizes the issuance of a citation to a public water system for failure to comply with  
a requirement of the California Safe Drinking Water Act, California Health and Safety  
Code, Division 104, Part 12, Chapter 4, commencing with Section 116270 (hereinafter  
"California SDWA"), or any regulation, standard, permit or order issued or adopted  
thereunder.

The County of El Dorado Community Development Services, Environmental  
Management Department (hereinafter "Department"), hereby issues a citation to the :  
Alder Inn, 1072 Ski Run Blvd, South Lake Tahoe, CA 96150) (hereinafter "Water  
System") ,

Issued: June 29, 2018

for violation of Title 22 of the California Code of Regulations ("CCR"), Section i.e. 64426.1(b)(2).

**APPLICABLE AUTHORITIES**

**CHSC, Division 104, Part 12, Chapter 4, Article 1, Section 116271 (k)(2) states:**

(k)(2) The deputy director is delegated the State Water Resources Control Board's authority to provide notice, approve notice content, approve emergency notification plans, and take other action pursuant to Article 5 (commencing with Section 116450), to issue, renew, reissue, revise, amend, or deny any public water system permits pursuant to Article 7 (commencing with Section 116525), to suspend or revoke any public water system permit pursuant to Article 8 (commencing with Section 116625) and to issue citations, assess penalties, or issue orders pursuant to Article 9 (commencing with Section 116650).

**CHSC, Division 104, Part 12, Chapter 4, Article 1, Section 116275 (b) & (ab) states:**

(b) "Department" means the state board.

(ab) "State board" means the State Water Resources Control Board.

**CHSC Division 104, Part 12, Chapter 4, Article 9, Section 116650 states:**

(a) If the department determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the department may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept

1 delivery of the certified mail, the date of service shall be deemed to be the date of  
2 mailing.

3 (b) Each citation shall be in writing and shall describe the nature of the violation  
4 or violations, including a reference to the statutory provision, standard, order, citation,  
5 permit, or regulation alleged to have been violated.

6 (c) A citation may specify a date for elimination or correction of the condition  
7 constituting the violation.

8 (d) A citation may include the assessment of a penalty as specified in  
9 subdivision (e).

10 (e) The department may assess a penalty in an amount not to exceed one  
11 thousand dollars (\$1,000) per day for each day that a violation occurred, and for each  
12 day that a violation continues to occur. A separate penalty may be assessed for each  
13 violation.  
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**Local Primacy Delegation Agreement, Section 1.02.** The Department hereby delegates to the County all authority granted to it under the California Safe Drinking Water Act (CHSC 116270) for regulation of small public water systems.

**Title 22, California Code of Regulations, Section 64423 (a)(3) and (c) states:**

(a) Each water supplier shall collect routine bacteriological water samples follows:

(3) The minimum number of samples for transient-noncommunity water systems using groundwater and serving 1000 or fewer persons a month shall be one in each calendar quarter during which the system provides water to the public.

(c) If any routine, repeat, or replacement sample is total coliform-positive, then The water supplier shall collect repeat samples in accordance with Section 64424 and comply with the reporting requirements specified in Sections 664426 and 64426.1.

**Title 22, California Code of Regulations, Section 64424 (a) through (d) states in relevant part:**

(a) If a routine sample is total coliform-positive, the water supplier shall collect a repeat sample set as described in paragraph (1) within 24 hours of being notified of the positive result. The repeat samples shall all be collected within the same 24 hour time period. A single service connection system may request that the State Board Allow the collection of the repeat sample set over a four-day period.

(b) When collecting the repeat sample set, the water supplier shall collect at least one repeat sample from the sampling tap where the original total coliform-positive sample was taken. Other repeat samples shall be collected within five service connections upstream or downstream of the original site. At least one

sample shall be from upstream and one from downstream unless there is no upstream and/or downstream service connection.

(c) If one or more samples in the repeat sample set if total coliform-positive, the water supplier shall collect and have analyzed an additional set of repeat samples as specified in subsections (a) and (b). The supplier shall repeat this process until either no coliforms are detected in one complete repeat sample or the supplier determines that the MCL for total coliforms specified in Section 64426.1 has been exceeded and notifies the State Board.

(d) If a public water system for which fewer than five routine samples/month are collected has one or more total coliform-positive samples, the water supplier shall collect at least five routine samples the following month. If the supplier stops supplying water during the month after the total coliform-positive(s), at least five samples shall be collected during the first month the system resumes operation. A water supplier may request the State Board waive the requirement to collect at least five routine samples the following month, but a waiver will not be granted solely on the basis that all repeat samples are total coliform-negative.

**Title 22, California Code of Regulations, Section 64426.1 (a) through (c) states in relevant part:**

(a) Results of all samples collected in a calendar month pursuant to Sections 64423, 64424, and 64425 that are not invalidated by the State Board or the laboratory shall be included in determining compliance with the total coliform MCL. Special purpose samples such as those listed in section 64421(b) and samples collected by the water supplier during special investigations shall not be used to determine compliance with the total coliform MCL.

(b) A public water system is in violation of the total coliform MCL when any of the following occurs:

- (1) For a public water system which collects at least 40 samples per month, more than 5.0 percent of the samples collected during any month are total coliform-positive; or
- (2) For a public water system which collects fewer than 40 samples per month, more than one sample collected during any month is total coliform-positive; or
- (3) Any repeat sample is fecal coliform-positive or E.coli-positive; or
- (4) Any repeat sample following a fecal coliform-positive or E.coli-positive routine sample is total coliform-positive.
- (c) If a public water system is not in compliance with paragraphs (b)(1) through (4), during any month in which it supplies water to the public, the water supplier shall notify the State Board by the end of the business day on which this is determined, unless the determination occurs after the State Board office is closed, in which case the supplier shall also notify the State Board within 24 hours of the determination. The water supplier shall also notify the consumers served by the water system. A Tier 2 Public Notice shall be given for violations of paragraph (b)(1) or (2), pursuant to section 64463.4. A Tier 1 Public Notice shall be given for violations of paragraph (b)(3) or (4), pursuant to section 64463.1.

### **STATEMENT OF FACTS**

The Water System is operated under Water Supply Permit No. 0900551, issued on May 2, 2017.

The Water System is a transient-noncommunity water system serving untreated groundwater to the 24 units in the hotel. The Water System source of supply is a groundwater well located on the property.

Title 22, CCR, Section 64423(a)(3) specifies that a transient-noncommunity water system using groundwater and serving 1,000 or fewer persons a month shall collect a minimum of one routine bacteriological sample in each calendar quarter during which the system provides water to the public for analysis of total coliform content to determine compliance with the maximum contaminant level (MCL) for total and fecal coliform bacteria.

A routine sample collected on March 7, 2018 tested positive for total coliform bacteria, and four out of four repeat samples collected on March 9<sup>th</sup> and 12<sup>th</sup> tested positive for total coliform bacteria. All samples tested negative for E.coli.

The Water System was chlorinated and flushed starting March 14, 2018. Additional sampling continued until all four of the positive samples tested negative for coliform and E.coli bacteria on March 28, 2018.

Public notification was provided to the Water System users on March 12, 2018. The Department received the Certification of Completion of Public Notification form dated March 15, 2018. The Water System also completed the required Level 1 assessment which was dated March 30, 2018 and was received and reviewed by the Department on April 4, 2018.

### **DETERMINATION**

Based on the above, the Department has determined that the Water System violated Title 22 CCR Section 64426.1(b)(2) which specifies that a public water system is in violation of the total coliform MCL if more than one sample collected during any month is total coliform-positive. The results of the sample analysis for the Water System indicated that more than one sample collected during the month of March 2018 was total coliform positive.



**DIRECTIVES**

The Water System is hereby directed to take the following actions:

1. Comply with Title 22 CCR Section 64426.1 in all future monitoring periods.
2. Within thirty (30) days of the issuance of this Citation, notify all persons served by the Water System of the total coliform MCL violation in conformance with Title 22 CCR Sections 64426.1(c) and 64463.4.  
**Completed: The water operator provided public notification March 12, 2018.**
3. In accordance with Title 22 CCR Section 64426(b)(2) and the Federal Revised Total Coliform Rule, conduct and submit a Level 1 assessment (Attachment A) by September 4, 2017. **Completed: The water operator completed the assessment March 30, 2018.**
4. Complete and return Attachment B “*Certification of Completion of Public Notification*” form to the Department within ten (10) days of completion of the public notification, by March 22, 2018. **Completed: The water operator provided the certification form dated March 15, 2018 to the Department .**
5. Within thirty (30) days of receipt of this Citation, **by July 30, 2018**, the Water System shall submit a written response to the Department indicating its willingness to comply with directives of this Citation.

The Department reserves the right to make such modifications to this Citation as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Citation, and shall be deemed effective upon issuance.

Nothing in this Citation relieves Water System of its obligation to meet the requirements of the California SDWA, or of any regulation, permit, standard, or order issued or adopted thereunder.

Issued: June 29, 2018

All submittals required by this Citation shall be submitted to the Department at the following address:

Jeffrey Warren, REHS  
Environmental Management Programs Manager  
El Dorado County  
Community Development Services  
Environmental Management Department  
2850 Fairlane Court, Bldg C  
Placerville, CA 95667  
(530) 621-7628

#### **PARTIES BOUND**

This Citation shall apply to and be binding upon the Alder Inn, its officers, directors, shareholders, agents, employees, contractors, successors, and assignees.

#### **SEVERABILITY**

The directives of this Citation are severable, and the Water System shall comply with each and every provision thereof, notwithstanding the effectiveness of any other provision.

#### **FURTHER ENFORCEMENT ACTION**

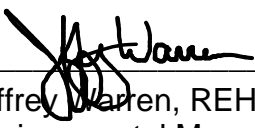
The California SDWA authorizes the Department to: issue citation with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any permit, regulation, permit or order issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or compliance order. The California SDWA also authorizes the Department to take action to suspend or revoke a permit that has been issued to a public water system if the system has violated applicable law or regulations or has failed to comply with an order of the Department; and to petition the Superior Court to take

Issued: June 29, 2018

various enforcement measures against a public water system that has failed to comply with or violates an order of the Department. The Department does not waive any further enforcement action by issuance of this citation.

7/2/2018

Date

  
Jeffrey Warren, REHS  
Environmental Management Programs  
Manager  
El Dorado County  
Community Development Services  
Environmental Management Department

Attachments:

- A. Level 1 Assessment Form
- B. Certification of Completion of Public Notification

cc: Ali R. Rezvani, P.E.  
Sacramento District Engineer  
Division of Drinking Water  
State Water Resources Control Board